

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JANE DOE 1 and JANE DOE 2, on behalf of  
themselves and all similarly situated women,

Plaintiffs,

-against-

THE CITY OF NEW YORK and BENNY  
SANTIAGO,

Defendants.

15 Civ. 3849 (AKH)

**DECLARATION OF JOSEPH KAY IN SUPPORT OF PLAINTIFFS' MOTION *IN*  
*LIMINE* TO EXCLUDE THE EXPERT REPORT AND PROPOSED TRIAL  
TESTIMONY OF THERESA LANTZ**

I, Joseph Kay, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am an associate at the law firm Cleary Gottlieb Steen & Hamilton LLP, counsel for Jane Doe 1 and Jane Doe 2 ("Plaintiffs"). I am duly admitted to this Court.

2. I respectfully submit this declaration in support of Plaintiffs' Motion *in Limine* to Exclude the Expert Report and Proposed Trial Testimony of Theresa Lantz.

3. On March 22, 2016, my colleagues deposed Rhonda Young, a corrections officer investigator on-loan to the New York City Department of Investigation ("DOI") from the New York City Department of Correction ("DOC"). Ms. Young testified that she went to the Rose M. Singer Center ("RMSC") with DOI Assistant Inspector General James Christo. Thereafter, she participated in multiple discussions with Jane Doe 2 about defendant Benny Santiago's ("Santiago") sexual abuse.

4. On April 21, 2016, my colleagues deposed Diane Medina, an assistant deputy warden with the DOC. Ms. Medina testified that she reported to DOI an allegation that Santiago was engaging in inappropriate conduct with two female RMSC inmates. On July 1,

2016, defendant the City of New York (the “City”) admitted that “DOI took no action in response to the report made by Captain Diane Medina concerning Santiago.”

5. On May 2, 2016, my colleagues deposed Belarminia Ortiz, a chief investigator with DOI. Ms. Ortiz testified that she accompanied Ferdinand Torres, a captain with DOC on-loan to DOI, to speak with Jane Doe 2. It is my understanding that Ms. Ortiz and Mr. Torres were the first DOI personnel to speak with Jane Doe 2 about her allegation of sexual abuse.

6. On May 11, 2016, my colleagues deposed Mr. Torres. Mr. Torres testified that he went with Ms. Ortiz to RMSC in order to retrieve a pair of pants that Jane Doe 2 reported would have DNA evidence on them (the “Pants”). Mr. Torres testified that he retrieved the Pants from Jane Doe 2’s cell and gave them to Mr. Christo. Mr. Torres did not recall completing appropriate chain of custody documentation.

7. On July 14, 2016, counsel for Santiago deposed B.W., Jane Doe 1’s adoptive mother and a fact witness for Jane Doe 1. B.W. testified that she received money from Santiago on behalf of Jane Doe 1 and deposited it in Jane Doe 1’s commissary account. During the deposition, B.W. identified a photograph of Santiago as being of the individual who provided her with money for Jane Doe 1.

8. On July 26, 2016, my colleagues deposed Michael Blake, confidential investigator/consultant and former Deputy Commissioner of Investigations of the DOC. Mr. Blake supervised the DOC Investigation Division (“DOC ID”) investigation into the allegations brought by Jane Doe 2 against defendant Santiago.

9. On July 27, 2016, my colleagues deposed Mr. Christo, an Assistant Inspector General with DOI, who was primarily responsible for the findings of DOI’s

investigation into Jane Doe 2's sexual abuse, and Jennifer Sculco, Senior Inspector General for DOI, who supervised Mr. Christo. Plaintiffs had previously deposed both Ms. Sculco and Mr. Christo, but were permitted by the Court to re-open those depositions in light of ESI produced after the initial depositions.

10. On August 19, 2016, my colleagues deposed Steven Jones, a former deputy director of investigations with DOC. Mr. Jones testified that he supervised the DOC ID's administrative investigation into Jane Doe 2's allegations against Santiago.

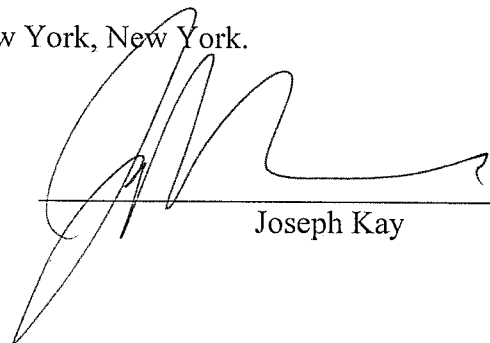
11. On November 23, 2016, my colleagues deposed Sabrina Blenman, a captain with DOC. Ms. Blenman testified to RMSC's policies and procedures as a corporate representative of the City pursuant to Federal Rule of Civil Procedure 30(b)(6).

12. Annexed hereto are true and correct copies of the following documents:

Exhibit 1	Expert Report of Timothy P. Ryan, dated November 3, 2016
Exhibit 2	Excerpted transcript of the deposition of Theresa Lantz on February 8, 2017
Exhibit 3	Expert Report of Theresa Lantz, dated December 9, 2016
Exhibit 4	Sexual Safety Assessment Report: New York City Department of Correction, by The Moss Group, Inc., dated June 2015, Bates-stamped DEF_0014410-95

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 17, 2017 in New York, New York.



Joseph Kay